

REMARKS

The application has been amended and is believed to be in condition for allowance.

Applicant notes with appreciation that claims 1-2 and 4-14 have been allowed.

Claim 3 has been rejected as anticipated by OZLUTURK 2005/0265430. The Official Action refers to paragraph [0164] and claims 4, 6.

Applicant respectfully disagrees.

Although OZLUTURK claims 4, 6 and paragraphs [0163-0642] relate to the rapid acquisition feature of long and short codes, the features recited by claim 3 is not disclosed by portions of OZLUTURK that are prior art to the present application.

Claim 3 recites a base station for use in a CDMA cellular system having a plurality of mobile stations and a plurality of base stations, which comprises:

means for generating a plurality of short codes which are orthogonal with each other; and

means for transmitting, to said plurality of mobile stations, data containing one of said plurality of short codes and a long code inherent to the base station.

New claim 15 depends from claim 3 and recites with respect to the means for generating a plurality of short codes which are orthogonal with each other; the short codes which are

orthogonal with each other are for initial synchronization before the phase of the carrier is determined.

The subject matter of these two claims is not found to be in the part of OZLUTURK that is prior art to the present application. The filing date of OZLUTURK is July 14, 2005.

Note that the present application is a divisional of U.S. application number 09/098,415 filed June 16, 1998 with a Japanese application priority date of June 16, 1997.

Thus, not all the subject matter in OZLUTURK is prior art to the present application and only subject matter of OZLUTURK which predates the present application may be considered.

OZLUTURK claims 4, 6 are not prior art as far as applicant has been able to determine.

OZLUTURK related applications are listed in paragraph [0001] (emphasis added): "This application is continuation of U.S. patent application Ser. No. 09/742,990 filed on Dec. 21, 2000, which is a continuation-in-part to U.S. patent application Ser. No. 08/956,740 filed on Oct. 23, 1997, which issued on Apr. 10, 2001 as U.S. Pat. No. 6,215,778; which is a continuation of U.S. patent application Ser. No. 08/669,775 filed on Jun. 27, 1996, which issued on Aug. 25, 1998 as U.S. Pat. No. 5,799,010; which claims the benefit of U.S. Provisional Application No. 60/000,775 filed on Jun. 30, 1995. This application is also a continuation-in-part to U.S. patent application Ser. No.

09/003,104 filed on Jan. 6, 1998, which issued on Jan. 30, 2001 as U.S. Pat. No. 6,181,949; which is a continuation of U.S. patent application Ser. No. 08/670,162 filed on Jun. 27, 1996, which issued on Nov. 24, 1998 as U.S. Pat. No. 5,841,768. This application is also a continuation-in-part to U.S. patent application Ser. No. 09/304,286 filed on May 3, 1999, which issued on Jun. 26, 2001 as U.S. Pat. No. 6,252,866; which is a continuation of U.S. patent application Ser. No. 08/671,068 filed on Jun. 27, 1996, which issued on Aug. 17, 1999 as U.S. Pat. No. 5,940,382. This application is also a continuation-in-part to U.S. patent application Ser. No. 09/354,042 filed on Jul. 15, 1999, which issued on Aug. 19, 2003 as U.S. Pat. No. 6,608,825; which is a continuation of U.S. patent application Ser. No. 08/671,067 filed on Jun. 27, 1996, which issued on Sep. 14, 1999 as U.S. Pat. No. 5,953,346. This application is also a continuation-in-part to U.S. patent application Ser. No. 09/129,850 filed on Aug. 6, 1998; which is a continuation of U.S. patent application Ser. No. 08/670,160 filed on Jun. 27, 1996, which issued on Nov. 26, 2002 as U.S. Pat. No. 6,487,190. This application is also a continuation of U.S. patent application Ser. No. 09/079,600 filed on May 15, 1998, which issued on Jun. 11, 2002 as U.S. Pat. No. 6,405,272; which is a continuation of U.S. patent application Ser. No. 08/671,221 filed on Jun. 27, 1996, which issued on May 19, 1998 as U.S. Pat. No. 5,754,803."

Only the subject matter of OZLUTURK that is being replied upon to reject present claim 3 and that is prior art is paragraph [0164] which appears to originate which U.S. Patent No. 5,799,010 at column 19, line 25 et seq.

Paragraph [0164] discloses: "Rapid acquisition of the correct code phase by a spread-spectrum receiver is improved by designing spreading codes which are faster to detect. It should be noted that spreading code, code sequence, spreading code sequence, chip code, chip sequence or chip code sequence may be used interchangeably to refer to a modulation signal used to modulate an information signal, whereby the period of the modulation signal is substantially less than the period of the information signal. For simplicity, the term spreading code will be used. The present embodiment of the invention includes a new method of generating spreading codes that have rapid acquisition properties by using one or more of the following methods. First, a long code may be constructed from two or more short codes. The new implementation uses many spreading codes, one or more of which are rapid acquisition sequences of length L that have average acquisition phase searches $r = \log 2L$. Sequences with such properties are well known to those practiced in the art. The average number of acquisition test phases of the resulting long sequence is a multiple of $r = \log 2L$ rather than half of the number of phases of the long sequence."

Although there is disclosure of short and long codes, there is no disclosure of i) means for generating a plurality of short codes which are orthogonal with each other; and ii) means for transmitting, to said plurality of mobile stations, data containing one of said plurality of short codes and a long code inherent to the base station.

Nor is there disclosure of (claim 15), the short codes which are orthogonal with each other being for initial synchronization before the phase of the carrier is determined.

Accordingly, there is no anticipation of claim 3 or dependent claim 15.

Reconsideration and allowance of claim 3 are respectfully requested. Allowance of claim 15 is requested.

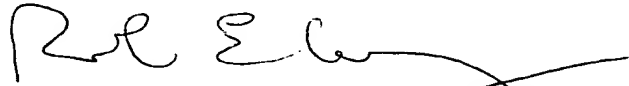
The case is believed to be in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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